

# MANDATE

E.D.N.Y. - Bklyn  
16-cv-4756  
17-cv-5228  
Garaufis, J.

United States Court of Appeals  
FOR THE  
SECOND CIRCUIT

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At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 5<sup>th</sup> day of July, two thousand eighteen.

Present:

Rosemary S. Pooler,  
Reena Raggi,  
Peter W. Hall,  
*Circuit Judges.*

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Kirstjen M. Nielsen, Secretary of Homeland Security, et al.,

*Petitioners,*

v.

18-122, 18-1313

Martín Jonathan Batalla Vidal, et al.,

*Respondents.*

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Donald J. Trump, President of the United States, et al.,

*Petitioners,*

v.

18-123, 18-1314

State of New York, et al.,

*Respondents.*

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Petitioners move, pursuant to 28 U.S.C. § 1292(b), for leave to appeal November 9, 2017, and March 29, 2018, orders of the district court denying their motions to dismiss for lack of jurisdiction and for failure to state a claim. Upon due consideration, it is hereby ORDERED that the petitions are GRANTED. *See Klinghoffer v. S.N.C. Achille Lauro*, 921 F.2d 21, 23-25 (2d Cir. 1990).

It is further ORDERED that these appeals, as well as the appeals docketed under 2d Cir. 18-1521 and 18-1525, be heard in tandem with Petitioners' appeals of the district court's February 13, 2018, preliminary injunction, 2d Cir. 18-485 and 18-488.

Petitioners are directed to file a scheduling notification within 14 days of the date of entry of this order pursuant to Second Circuit Local Rule 31.2.

FOR THE COURT:

Catherine O'Hagan Wolfe, Clerk of Court

  
Catherine O'Hagan Wolfe

A True Copy

Catherine O'Hagan Wolfe, Clerk

United States Court of Appeals, Second Circuit

  
Catherine O'Hagan Wolfe